

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in this case. Claims 1, 12, and 15 are amended and new Claim 22 is added by the present amendment. Amended Claims 1, 12, 15 and new Claim 22 are supported by, for example, the specification at paragraphs 140 and 141 of the publication. Thus, no new matter is added.

In the outstanding Office Action, Claims 12-14 were rejected under 35 U.S.C. §101; Claims 1-18, 20, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Vaudreuil (U.S. Patent No. 5,740,230) in view of Gabber et al. (U.S. Patent No. 6,591,291, hereinafter “Gabber”). Claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Vaudreuil in view of Gabber and further in view of Yokomizo (U.S. Patent No. 6,163,796).

With regard to the rejection of Claims 12-14 under 35 U.S.C. §101, Claim 12 is amended to recite “a hardware unit,” which is article of manufacture. Accordingly, Claims 12-14 are in compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Vaudreuil in view of Gabber, that rejection is respectfully traversed.

Amended independent Claim 1 recites in part:

a plurality of message gateways, each message gateway being configured to receive and transmit over at least one dedicated transfer medium, and
a message broker connected to the message gateways and being provided with a client database,
wherein a first message gateway receives a message from a sending client over a first transfer medium and transmits the message or information extracted thereof to the message broker, the message including meta information and content, ***the message broker automatically selects an appropriate second transfer medium depending on content of the client database and the meta information of the message without processing the content of the message***, and the message is sent to the target client via a second message gateway configured to

transmit over the second transfer medium selected by the message broker.

Thus, in the claimed invention, the message broker selects an appropriate second transfer medium depending on content of the client database and the meta information of the message *without processing the content of the message*. This allows maximum throughput to be realized because the meta information is much more compact than the content, as discussed at paragraph 140 of the specification.

In contrast, column 15, lines 13-19 of Vaudreuil describe that the message router 72 of Vaudreuil determines the next destination for each message based *only* on information from the system database 147, not any meta information from the message. Further, column 19, lines 49-54 of Vaudreuil describe that the *recipient* selects the preferred media for receiving messages, not the sender. Accordingly, not only does Vaudreuil fail to teach or suggest “the message broker automatically selects an appropriate second transfer medium depending on content of the client database *and* the meta information of the message without processing the content of the message,” to modify the device of Vaudreuil to include this feature would make the device described by Vaudreuil unsuitable for its intended purpose, which is to allow the recipient to select the preferred media for receiving messages. Therefore, there is no suggestion or motivation to make such a modification of Vaudreuil, as held by *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP §2143.01.

Moreover, it is respectfully submitted that Gabber also fails to teach or suggest “the message broker automatically selects an appropriate second transfer medium depending on content of the client database *and* the meta information of the message without processing the content of the message.”

Consequently, as neither Vaudreuil nor Gabber teach or suggest “a message broker” as defined in amended Claim 1, and there is no suggestion or motivation to modify Vaudreuil

to include such a feature, it is respectfully submitted that amended Claim 1 (and Claims 2-11 dependent therefrom) is patentable over Vaudreuil in view of Gabber.

Amended independent Claims 12 and 15 recite similar elements to Claim 1. It is respectfully submitted that amended Claims 12 and 15 (and Claims 13, 14, and 16-22 dependent therefrom) are patentable over the cited art for at least the reasons discussed above with respect to Claim 1.

With regard to the rejection of Claim 19 as unpatentable over Vaudreuil and Gabber in view of Yokomizo, it is noted that Claim 19 is dependent from Claim 15, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yokomizo does not cure any of the above-noted deficiencies of Vaudreuil and Gabber. Accordingly, it is respectfully submitted that Claim 19 is patentable over Vaudreuil and Gabber in view of Yokomizo.

New Claim 22 is supported at least by the specification at paragraph 141 of the publication. New Claim 22 is dependent on Claim 15, and thus is believed to be patentable for at least the reasons described above with respect to Claim 15. In addition, Claim 22 recites subject matter that further patentably defines over Vaudreuil and Gabber. Consequently, new Claim 22 is also patentable over Vaudreuil and Gabber.

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Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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